

ESTTA Tracking number: **ESTTA488326**

Filing date: **08/09/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052576
Party	Plaintiff Cinque Moda GmbH
Correspondence Address	URSULA B DAY 708 THIRD AVENUE, SUITE 1501 NEW YORK, NY 10017 UNITED STATES bkinder@tklglaw.com
Submission	Other Motions/Papers
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Date	08/09/2012
Attachments	CinqueCancReq.pdf (3 pages)(107038 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No. 3,104,426
For the mark CINQUE

----- X		
Cinque Moda GmbH)	
)	
Petitioner,)	
)	
vs.)	
)	
Lester M. Griffin)	Cancellation No. 92052576
Lavaniel W. Griffin)	
A California Partnership)	
)	
Respondent.)	
----- X		

**PETITIONER'S OPPOSITION TO RESPONDENT'S MOTION FOR 60 DAY
EXTENSION OF DEADLINES**

BOX TTAB
Commissioner of Trademarks
PO BOX 1451
Alexandria, VA 22313-1451

S I R:

Cinque, Moda GmbH ("Petitioner") by and through their undersigned attorney hereby opposes respondent's request for an additional extension of all deadlines for 60 days.

Petitioner urges the Board to deny the extension since respondent has not provided a basis for pleading good cause other than more time is needed.

Respondent's attorney has represented his client since at least October 2011 when the attorney, Mr. Kinder contacted the undersigned stating he represented respondent. However, respondent's attorney chose not to put in an appearance in the instant proceeding until January 2012. Since that time, respondent's attorney requested two further extension, first to "come up to speed in the case" then, due to illness of a family member, and now because he has to "arrange for witnesses to give testimony".

Respondents have been given ample time to prepare for the case even to arrange for witnesses. Since discovery has been closed for some time, the only documentation to which a witness can testify is that already presented in respondent's summary judgment motion. Accordingly, petitioner asserts that the extension in made for the purpose of delay and should be denied.

While, respondent's counsel has been given reasonable leeway to prepare for the pending proceeding, the time to proceed has come.

THEREFORE Petitioner respectfully urges the Board that respondent's requested extension be denied and that the schedule as set forth by respondent's attorney at the last extension request be followed.

Respectfully submitted,

By 

Ursula B. Day
Attorney for Petitioner
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Dated: August 9, 2012
UBD:sh

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No.
For the mark CINQUE 3,104,426

-----	X	
Cinque Moda GmbH)	
)	
Petitioner,)	
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vs.)	
)	Cancellation No. 92052576
Lester M. Griffin)	
Lavaniel W. Griffin)	
A California Partnership)	
)	
Respondent.)	
-----	X	

Certificate of Service

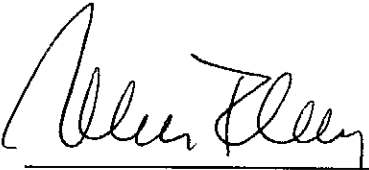
This is to certify that on August 9, 2012 a true copy of:

**PETITIONER'S OPPOSITION TO RESPONDENT'S MOTION FOR 60 DAY
EXTENSION OF DEADLINES**

was mailed in a sealed, first-class postage-prepaid envelope, addressed
to

Brian Kinder, Esq.
The Kinder Law Group, APC
19200 Von Karman Ave., Fourth Floor
Irvine, California 92612

and deposited with the United States Postal Service at New York City



Ursula B. Day

UBD:sh